



## LAWS OF NEW JERSEY

**CHAPTER CIVIL.**  
A further supplement to an act entitled "An act to regulate fees," revision approved April fifteenth, one thousand eight hundred and forty-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, the fees of the several counties of this state, for the services hereinafter mentioned, shall be as follows: for the view of a deed, and inquiry respecting the cause and manner of death, the sum of three dollars; and for drawing and returning the inquisition, the sum of two dollars.

2. And be it enacted, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved March 15, 1871.

**CHAPTER COXIX.**  
A further supplement to an act entitled "An act to authorize the owners of lands on tide-waters to build wharves in front of the same," approved March eighteenth, one thousand eight hundred and fifty-one.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That putting up the notices required by the third, fourth and sixth sections of the act to which this is a supplement, two weeks before any application for fourteen consecutive days, exclusive of Sundays, in such newspaper or newspapers, as may be required by said act, shall be deemed sufficient notice for the purposes of said act, in lieu of the period for posting and publishing now required by said act.

Approved March 15, 1871.

**CHAPTER COXX.**  
A further supplement to an act entitled "An act to regulate the fisheries in the River Delaware, and for other purposes," passed November twenty-sixth, one thousand eight hundred and eighty.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter no person shall within this state have in his or her possession, or expose to sale, any shad caught in the river Delaware or any of its tributaries, within the jurisdiction of this state, below the head of Trenton falls, between the twentieth day of June and the tenth day of August in any year, or above the head of Trenton falls, between the sixteenth day of June and the tenth day of August in any year, under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt, with costs of suit, by any person or persons, in his or their name or names, before any justice of the peace in the county where the offense was committed, or where the shad was taken, or is found; and if the shad is taken or exposed for sale in violation of this act, it shall not be necessary to file any state of demand or to comply with the formalities required in penal actions; and in all such actions both parties may be sworn; provided always, nevertheless, that nothing in this act, or the act or acts to which this is a supplement contained, shall make it unlawful for one of the commissioners of fisheries of the State of New Jersey, to take fish in the said river Delaware, or any of its said tributaries, at any time, to be used for the purpose of the natural or artificial propagation of the same.

2. And be it enacted, That if any person or persons shall cast, draw, fasten, or otherwise make use of any seine, net, fyke net, or net of any other description, of a less mesh of ten inches, or any other appliance except the hook and line, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton falls, between the tenth day of June and the tenth day of August in any year, or above the head of Trenton falls, between the sixteenth day of June and the tenth day of August in any year, he, she or they so offending shall forfeit or pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

3. And be it enacted, That the governor shall appoint one person in each county adjoining the river Delaware, as special officers, who shall be a resident of said county, to be fish wardens, whose duty it shall be, on view or information, to enforce the fishing laws within their respective counties, by arresting and prosecuting the offenders or offenders; and said officers shall also be authorized to take fish in said river, and when they are complained of, said officers shall have a right at all times, and they are hereby authorized to visit any dam, weir, fish basket, brush net, or other apparatus for taking fish, for the purpose of removing the same, as hereinafter provided; and said officers may, in the discharge of their duties, call in the aid of any constable or sheriff or other peace officer when deemed necessary; and any such officer neglecting or refusing to aid when so required shall forfeit ten dollars, to be recovered by action of debt; the said special officers thus appointed shall hold office for three years, unless sooner removed, and shall be duly sworn before any justice of the peace or judge of the court of common pleas, to the performance of their duties; they shall make an annual report to the commissioner of fisheries, on or about the first day of November in each year; they shall be furnished with such appliances as, in the judgment of the commissioner having charge of that department of the river, shall be deemed necessary, at the expense of the state, and receive three dollars for each day they are occupied in their special duties; and that said pardon shall be paid by the treasurer of the state, upon an authenticated statement of the commissioner of fisheries, that in no case shall any special officer receive more than one hundred dollars for his services in any one year.

4. And be it enacted, That it shall be the duty of said special officers or fish wardens, as to be appointed, and it shall and may be lawful for any other person or persons who may discover the same, to remove from the river Delaware, whenever the same may be found, all weirs, racks, fish baskets, fishing dams, ponds, or any seine, brush dam, or other device, or charged, staked or fastened for the purpose of taking fish in the said river, and all boats, lines, implements and materials used in violation of this act, shall be forfeited to the state, and all weirs, racks, baskets, dams or ponds, may be destroyed and rendered incapable of taking fish.

5. And be it enacted, That one-half of the fines and forfeitures collected shall be for the benefit of the person prosecuting therefor, and the other half shall be paid to the clerk of the county in which the prosecution shall be had; and the said clerk of the several counties of this state shall pay over to the commissioner of fisheries of the State of New Jersey, all monies collected and recovered by them, by virtue of this act, who shall pay the same over to the treasurer of the state; and all expenses incurred by said fisheries commission shall be paid to them by the treasurer of the state, as the same may be audited by the comptroller of the state; and on failure of the person or persons prosecuted under this act to pay the fine or fines imposed in pursuance of this act, then such fines or forfeitures shall be committed to the county jail, till such payment is made, or until otherwise discharged by due process of law.

6. And be it enacted, That the first and second sections of an act of the supplement of the act to regulate the fisheries in the river Delaware, and for other purposes, passed the twenty-sixth day of November, one thousand eight hundred and eighty, be, and the same are hereby repealed.

of this act, be and the same is hereby repealed; but that this act shall not go into operation until the legislature of the state of Pennsylvania shall approve of the same; by the enactment of a similar act, in whole or in part; and that from and immediately after the said legislature shall approve of this act, either in whole or in part, then this act, or such parts thereof as may be so approved of shall go into operation and take effect.

7. And be it enacted, That the Governor of this state is hereby requested to transmit an attested copy of this act to the Governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Approved March 15, 1871.

**CHAPTER COXXI.**  
A further supplement to an act entitled "An act concerning witnesses," approved April sixteenth, one thousand eight hundred and forty-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in case of a new trial of any civil action or suit, either party to which shall have died since the former trial, and which shall have been duly revived, and prosecuted or proceeded with, at the suit of or against the legal representatives of such deceased party, the other or surviving party, and also such legal representatives, shall be competent witnesses on such new trial, and the testimony of such deceased party on the former trial of said action or suit, may also be proved and admitted on the new trial thereof.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1871.

**CHAPTER COXXXII.**  
An act for the prevention of cruelty to animals.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That if any person shall over-drive, over-load, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be over-driven, over-loaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed as aforesaid, any living creature, every such offender shall, for any such offence, be guilty of a misdemeanor.

2. And be it enacted, That any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, and any person who shall witness, encourage, aid or assist therein, or who shall permit or suffer any place to be so kept or used, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

3. And be it enacted, That any person who shall impound or confine, or cause to be impounded in a pound or other place, any creature, shall supply to the same, during such confinement, a sufficient quantity of good wholesome food, water and bedding, and in default thereof shall, upon conviction, be adjudged guilty of a misdemeanor.

4. And be it enacted, That in case any creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food, water or bedding, for more than twelve successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon any pound in which any creature shall be so confined, and to supply it with necessary food, water and bedding, so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost of such food, water or bedding, may be collected by him of the owner of such creature, and the said creature shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

5. And be it enacted, That if any person shall carry, or cause to be carried, on or upon any vehicle or otherwise, any creature tied or bound in a cruel or inhuman manner, he shall be guilty of a misdemeanor, and whenever he shall be taken into custody therefor by an officer, such officer may take charge of such vehicle and its contents, and deposit the same in some safe place of custody; and any necessary expense which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the said expense or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of the said creature, in an action therefor.

6. And be it enacted, That any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle, in any city, or incorporated village, for business or other purposes, shall forfeit and pay a fine of one dollar, for the first offence, and a fine of ten dollars for every subsequent offence.

7. And be it enacted, That if any maimed, sick, infirm or disabled creature shall be abandoned to die by any person in any place, such person shall be guilty of a misdemeanor, and it shall be lawful for any justice of the peace, sheriff, or captain or chief of police of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in this state, to appoint suitable persons to destroy such creature, if unfit for further use.

shall ensue and be paid to aid society in aid of the benevolent objects for which it was incorporated; which society may sue for and recover the same with costs, in an action of debt, brought in their corporate name, in any court of competent jurisdiction.

Approved March 22, 1871.

**CHAPTER CI.**  
An act concerning Wills.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter the appointment of a testamentary guardian as mentioned in section nine of the act to which this is a further supplement, shall not be lawful unless the mother, if living, consent to such appointment, which consent shall be in writing, and signed and acknowledged by the mother in the presence of two witnesses, present at the time, who shall subscribe their names thereto as witnesses in the presence of the mother, and such consent shall be proven to have been so given and acknowledged at the time the will appointing the testamentary guardian shall be admitted to probate.

2. And be it enacted, That this act shall take effect immediately.

Approved March 1, 1871.

**CHAPTER CII.**  
A supplement to an act entitled "An act for the partition and sale of real estate, where some of the owners are unknown," approved March twenty-fifth, one thousand eight hundred and sixty-three.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That where real estate is held by coparceners, joint tenants, or tenants in common, any of whom shall be presumed to be dead, pursuant to the provisions of the act entitled "an act declaring when the death of persons absenting themselves shall be presumed," passed the seventh day of March, one thousand seven hundred and ninety-seven, and it shall not be known whether such owner is living or not, or whether if dead, he or she has devised his or her interest in such real estate or who are his or her heirs-at-law, the other coparceners, joint tenants, or tenants in common, or any of them, may commence a suit by bill or partition in the court of chancery, in the same manner as all if the owners of such real estate were known, making parties thereto as well such owner so presumed to be dead, by his right name, as his heirs-at-law and devisees, by the right name of such of them (if any there be) as shall be known to be his or her heirs-at-law if such owner were actually dead, and by the name of the unknown heirs-at-law and devisees of such owner, by the service of a subpoena to answer, as in other suits in the said court, or by a publication according to the law and practice of said court in case of absent defendants; and by such further publication as is provided for and required in the first section of the act to which this is a supplement, and thereupon such proceedings shall be had as are directed by the act to which this is a supplement; and the chancellor shall have the power to make such decrees against the said owner so presumed to be dead, and against his unknown devisees, as if they were known to the court and their respective interests in such real estate determined; and shall also have all such power and authority in respect to the cases provided for; by this act, as granted to him by the act to which this is a supplement in respect to the cases herein provided for; and any deed or deeds for such real estate, made pursuant to the decree and order of the chancellor in any such cases, shall convey all the right, title and estate of all the owners of such real estate, ascertained and unascertained, as completely and effectually as if all the owners were by name made parties to said bill and as such brought before the court.

2. And be it enacted, That this act shall take effect immediately.

Approved January 31, 1871.

**CHAPTER CIII.**  
Supplement to an act entitled "An act to reorganize the courts of law," approved February ninth, one thousand eight hundred and fifty-five.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That after the fourth day of July next, the several regular terms of the respective courts, in and for the several counties of Ocean, Middlesex and Monmouth, in the fourth judicial district, shall be held at the times following, and not otherwise:—that is to say: Ocean, on the first Tuesday of April, September and December, respectively; Middlesex, on the third Tuesday of April, September and December, respectively; Monmouth, on the first Tuesday of May and October, and the second Tuesday of January, respectively.

2. And be it enacted, That all proceedings in the said several courts, shall commence and be continued in conformity to the terms and times hereby established.

Approved January 31, 1871.

**CHAPTER CII.**  
A further supplement to an act entitled "An act respecting the estates of non-resident wards," approved March second, one thousand eight hundred and forty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the provisions now in force of the act to which this is a further supplement, and the supplement to that act, be, and they are hereby extended to all cases where guardians and their wards are residents of foreign countries; provided, that in such cases the authentication of the proceedings appointing the guardians, and the giving bond of the guardian, shall be by a testation under the seal of the court wherein, or officer before whom, such proceedings are had, (if such court or officer shall have a seal) and the proceedings shall have been had in or before a court, the attestation shall be under the hand of the register or clerk thereof, and be accompanied by a certificate of the judge, magistrate or presiding officer of the court, that the attestation is in due form.

2. And be it enacted, That the said act to which this is a further supplement and the said supplement hereto, and this act, shall extend to the recovery, receipt and collection by the guardian of all monies due or owing to the ward to which the ward may be entitled for damages for land taken under or by virtue of any charter or municipal or legislative authority; and such damages and monies may be recovered by such guardian, by petition to the orphan's court of the county wherein the same may be deposited under the provision of such charter, or by such municipal or legislative authority, or to the chancellor.

3. And be it enacted, That this act shall take effect immediately.

Approved January 31, 1871.

**CHAPTER COXXI.**  
An act to authorize the discharge of Executors, Administrators and guardians in certain cases.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That when any executor, administrator or guardian, who has entered on the duties of his office, shall desire to be discharged from the further performance of the same, it shall be lawful for him to apply by petition for such discharge: when the letters of such executor, administrator or guardian were issued by the ordinary, such application shall be made to the prerogative court, and when the letters were issued by the surrogate of any county, the application shall be made to the orphan's court of that county.

2. And be it enacted, That upon such application, the court shall examine into the matter, and if it shall appear that there is sufficient reason for such discharge, it may, by an order made for that purpose, grant the same; and such executor, administrator or guardian shall thereupon be relieved and discharged from all further duties of his office, except accounting for and paying over the moneys or assets received by him by virtue of his office.

3. And be it enacted, That upon such discharge the like proceedings may be had to appoint another executor, administrator or guardian in the stead of the one so discharged, as if the executor, administrator or guardian so discharged had died; and the person so appointed shall have the same power in all things, as if appointed upon the death of the person so discharged.

4. And be it enacted, That such discharge shall not be made if it shall appear to the court that it will be prejudicial to the estate in the hands of such executor, administrator or guardian, or to those interested therein, or that such discharge would work injury or injustice, or if the court, for any other reason, is of opinion that the same ought not to be granted; and on the part of the estate in the hands of such executor, administrator or guardian at the time of his discharge, to be paid over to his successor, such share of the commission allowed on the estate, shall be paid to him as the court shall judge reasonable, but in no case to exceed one-half of the commission on that part.

5. And be it enacted, That by such discharge such executor, administrator or guardian, or his surties, shall not be released from any liabilities incurred by him before such discharge, but shall be and remain liable to account for the estate which had come to his hands, and for assets and omissions before such discharge, and to all suits and actions to which he became liable from such discharge by his own acts or omissions in the same manner as if he had been discharged; and in case there shall be a co-executor, co-administrator or joint guardian, who shall remain such, or in case any executor, administrator or guardian be appointed in his place, he shall forthwith pay over to such joint or succeeding executor, administrator or guardian, the whole amount of the estate remaining in his hands, for which payment his surties shall remain liable.

6. And be it enacted, That the proceedings under this act, both in the prerogative court and orphan's court, shall be governed by such rules as may, from time to time, be prescribed for that purpose by the ordinary.

7. And be it enacted, That all discharges of executors, administrators and guardians, made in accordance with the provisions of this act, subsequent to March seventeenth, one thousand eight hundred and seventy, are hereby legalized and confirmed.

8. And be it enacted, That this act shall take effect immediately.

Approved March 22, 1871.

**Rule to Show Cause.**

Era Stokes, administrator of William Rehman, dec'd, having exhibited to the court a just and true account of the estate and debts of said deceased, whereby it appears that the personal estate of said William Rehman is insufficient to pay his debts, and requests the aid of the Court in the premises. It is ordered that all persons interested in the lands, tenements, and real estate of said deceased appear before the Court, in the court house, in May's Landing, on the Twelfth day of September next, to show cause why so much of the said lands, tenements, hereditaments and real estate of said Wm. Rehman should not be sold as will be sufficient to pay his debts.

S. R. DEVINNEY, Surrogate.

Dated April 11, 1871. 39-44

**New Jersey Supreme Court.**

Mozart Gallup & John T. Gallup, In case

vs. Ansel Van Nostrand. Foreign Attachment.

Notice is hereby given that a writ of attachment has been issued out of the above named court, at the suit of the above named plaintiff, against the goods and chattels, rights and credits, lands and tenements of Ansel Van Nostrand, for the sum of eleven hundred dollars. Returnable and returned to the said court on the 15th day of January, A. D. 1871.

CHAS. P. SMITH, Clerk.

HENRY TRAPHAGEN, Att'y. 38-43

**NOTICE.**

Administrator's Notice to Creditors.

Anna B. Somers and Job B. Somers, administrators of Richard L. Somers, deceased, by direction of the Surrogate of the County of Atlantic, hereby give notice to the creditors of the said Richard L. Somers, to bring in their debts, demands and claims against the estate of the said deceased, under oath or affirmation, within nine months or they will be forever barred of any action therefor against the said administrators.

ANNA B. SOMERS, Adm'rs. JOB B. SOMERS, 41-49

Dated May 6, 1871.

**NOTICE.**

Executors Notice to Creditors.

John H. Doughty, Enoch A. Doughty, Rebecca W. Doughty, Hannah H. Doughty and Sarah N. Doughty, executors of Enoch Doughty, deceased, by direction of the Surrogate of the County of Atlantic, hereby give notice to the creditors of the said Enoch Doughty, to bring in their debts, demands and claims against the estate of the said deceased, under oath and affirmation, within nine months or they will be forever barred of any action therefor against the said executors.

John H. Doughty, Enoch A. Doughty, Rebecca W. Doughty, Hannah H. Doughty and Sarah N. Doughty, Executors. 41-49

Dated May 6, 1871.

**Rule to Show Cause.**

August Stepany, administrator of William Geisler, dec'd, having exhibited to this court, under oath, a just and true account of the personal estate and debts of said deceased, whereby it appears that the personal estate of said Wm. Geisler is insufficient to pay his debts, and requests the aid of the court in the premises. It is ordered that all persons interested in the lands, tenements and real estate of said deceased appear before the court, at the court-house in May's Landing, on the Twelfth day of September next, to show cause why so much of the lands, tenements, hereditaments and real estate of said Wm. Geisler should not be sold as will be sufficient to pay his debts.

S. R. DEVINNEY, Surrogate. Dated April 11, 1871. 38-40

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